

### **Remarks**

The specification is amended herein to remove the claim of priority to International Patent Application PCT/US03/12981. If appropriate, Applicants will submit a request to correct inventorship in view of this change in priority.

Claims 1-12 were pending in this application. Claims 1, 2, and 12 are canceled by this amendment, and claims 3, 4, 5, 8, and 11 are amended. Claims 4, 8, and 11 are amended to correct dependency.

No new matter is introduced by the foregoing amendments or the new claims. After entry of this amendment, **claims 3-11 are pending in this application (of which claims 4 and 8-10 are withdrawn)**. Consideration and allowance of the pending claims is requested.

#### *Rejections Under 34 U.S.C. §112, first paragraph*

Claims 1-3 and 5-7 were rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection. Claims 1 and 2 are canceled herein, rendering the rejection of these claims moot.

Claims 3 and 5 have been amended herein to be directed to plants having increased drought tolerance and methods of producing increased drought tolerance in a plant. Claims 6 and 7 depend, directly or indirectly, from amended claim 5 and incorporate the limitations thereof. The Office action states that although the declaration submitted with the Amendment and Response on September 7, 2006, was “not persuasive regarding the adequate written description of the broad scope of the claims” it is “persuasive regarding the PRDT1 function by the Arabidopsis sequences that are orthologs of SEQ ID NO: 2 (Office action at page 4; emphasis added).

As the claims are now directed to *Arabidopsis* orthologs, and not any orthologs, Applicants submit that the specification provides an adequate written description for the current claimed invention

and clearly describes structural and functional features common to all *Arabidopsis* nucleic acids encoding a PPR2 polypeptide having increased drought tolerance, as encompassed by the current claims. The provided written description would allow a skilled artisan to predictably determine what would be the identity of the members of the claimed genus. Applicants respectfully submit that one of skill in the art reading the specification would recognize that Applicants had possession of the claimed invention in its full scope at the time the application was filed. Applicants respectfully request that this rejection of claims 1-3 and 5-7 for lack of adequate written description be withdrawn.

### Conclusion

Based on the foregoing amendments and arguments, the claims are in condition for allowance and notification to this effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at the telephone number listed below.

Respectfully submitted,

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